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Washington, Thursday, August 1, 1940

The President

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER OF SEPTEMBER 5, 1914, CREATING POWER SITE RESERVE No. 454

KOOTENAI RIVER, IDAHO

Modification No. 409

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered that the Executive Order of September 5, 1914, creating Power Site Reserve No. 454, be, and it is hereby, modified to the extent necessary to enable the Secretary of the Interior to approve the application (Coeur d'Alene 013920) of the Great Northern Railway Company for amended definite location of that part of its railway constructed on a right-of-way granted on June 30, 1902, under the act of March 3, 1875, c. 152, 18 Stat. 482, in lots 4 and 5, sec. 32, T. 62 N., R. 3 E., Boise Meridian, Idaho.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 30, 1940.

[No. 8499]

[F. R. Doc. 40-3162; Filed, July 31, 1940; 11:48 a. m.]

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER OF DECEMBER 12, 1917, CREATING POWER SITE RESERVE No. 661

WILLAMETTE RIVER TRIBUTARIES, OREGON

Modification No. 413

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered that the Executive order of December 12, 1917, creating Power Site Reserve No. 661, be, and it is hereby, modified to the extent necessary to per-

mit Lane County, State of Oregon, to construct a highway over the NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 33, T. 16 S., R. 2 E., Willamette Meridian, Oregon, as shown on a map on file in the General Land Office, Department of the Interior, and bearing the title

PLAT OF MELVIN NICHOLS ROAD IN

sections 28, 29, 33 & 34, T. 16 S., R. 2 E., W. M.
LANE COUNTY OREGON

MAY 1937 Scale 1"=400'

RIGHT OF WAY 50 FEET IN WIDTH

on condition that use of the highway shall be discontinued without liability or expense to the United States or its licensees when found by the Secretary of the Interior to be in conflict with project works authorized by the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 30, 1940.

[No. 8500]

[F. R. Doc. 40-3163; Filed, July 31, 1940; 11:48 a. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3514]

IN THE MATTER OF HOWARD SALES COMPANY, ETC.

§ 3.6 (r) (2.5) Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary: § 3.6 (r) (7) Advertising falsely or misleadingly—Prices—Usual as reduced: § 3.6 (gg) Advertising falsely or misleadingly—Value: § 3.72 (g10) Offering deceptive inducements to purchase—Limited offers: § 3.72 (n) Offering deceptive inducements to purchase—Special offers. Representing, in connection with offer, etc., in commerce, of fountain pens and pencils, that the customary and usual retail price at which said fountain pens are sold is \$5.00, and that the customary

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and usual retail price of said pencils is \$1.50, or any other sums in excess of the price at which such pens and pencils are usually and customarily sold at retail, or that said pens are being sold at 59 cents and said pencils at 29 cents, or at any other specified prices, as an introductory offer for a limited period of time only, when the prices so quoted are the prices at which said pens and pencils are usually and customarily offered for sale and sold, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Howard Sales Company, etc., Docket 3514, July 24, 1940]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (u) *Advertising falsely or misleadingly—Quality.* Representing, in connection with offer, etc., in commerce, of fountain pens and pencils, that said pens and pencils are of a quality and character different from or superior to pens and pencils offered for sale and sold by competitors at comparable prices, or that said fountain pens hold 200 per cent more ink than any ordinary fountain pen on the market, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Howard Sales Company, etc., Docket 3514, July 24, 1940]

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (w) *Advertising falsely or misleadingly—Refunds, repairs and*

replacements: § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests:* § 3.72 (a10) *Offering deceptive inducements to purchase—Adjustments and corrections:* § 3.72 (k5) *Offering deceptive inducements to purchase—Replacement guarantee:* § 3.72 (k10) *Offering deceptive inducements to purchase—Results guarantee:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of fountain pens and pencils, that said pens have been tested and are guaranteed by the factory to be unbreakable for life, and that in case of breakage or other unsatisfactory service said pens will be repaired free of charge or exchanged for a new pen upon remittance to cover the cost of handling, postage and insurance, when any charge is made in excess of handling, postage and insurance costs, or that the sum of 25 cents charged purchasers for replacement of broken or unsatisfactory pens covers only the cost of handling, postage and insurance, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Howard Sales Company, etc., Docket 3514, July 24, 1940]

§ 3.66 (a7) *Misbranding or mislabeling—Composition.* Representing, in connection with offer, etc., in commerce, of fountain pens and pencils, through the use of the symbol "14K", or any other symbol, or any figures, letters or words of similar import and meaning, or otherwise, that the point or nib of said pen is composed of 14-carat gold or gold of the fineness indicated by the symbol, figures, letters or words used, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Howard Sales Company, etc., Docket 3514, July 24, 1940]

§ 3.6 (r) (1.5) *Advertising falsely or misleadingly—Prices—Coupon, certificate, check, credit voucher, etc., values:* § 3.72 (b) *Offering deceptive inducements to purchase—Coupon, certificate, check, credit voucher, etc., deductions in price.* Representing, in connection with offer, etc., in commerce, of fountain pens and pencils, that certificates cut from newspaper advertisements of said pens and pencils are worth \$4.41 or any other sum in connection with the purchase of such products, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Howard Sales Company, etc., Docket 3514, July 24, 1940]

IN THE MATTER OF WILLIAM VORUNION AND BENJAMIN VORUNION, DOING BUSINESS UNDER THE TRADE NAMES HOWARD SALES COMPANY AND BERWICK PEN COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 24th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before John J. Keenan, an examiner of the Commission theretofore duly designated by it, and briefs filed herein, no request for oral argument having been made, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, William Vorunion and Benjamin Vorunion, doing business under the trade names of Howard Sales Company and Berwick Pen Company, their agents, employees and representatives, directly or indirectly, through any corporate or other device, or through the use of any other trade name or names, in connection with the offering for sale, sale and distribution of fountain pens and pencils in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the customary and usual retail price at which said fountain pens are sold is \$5.00, and that the customary and usual retail price of said pencils is \$1.50, or any other sums in excess of the price at which such pens and pencils are usually and customarily sold at retail;

(2) Representing that said pens are being sold at 59¢ and said pencils at 29¢, or at any other specified prices as an introductory offer for a limited period of time only, when the prices so quoted are the prices at which said pens and pencils are usually and customarily offered for sale and sold;

(3) Representing that said pens and pencils are of a quality and character different from or superior to pens and pencils offered for sale and sold by competitors at comparable prices;

(4) Representing that said pens have been tested and are guaranteed by the factory to be unbreakable for life, and that in case of breakage or other unsatisfactory service said pens will be repaired free of charge or exchanged for a new pen upon remittance to cover the cost of handling, postage and insurance, when any charge is made in excess of handling, postage and insurance costs;

(5) Representing that the sum of 25¢ charged purchasers for replacement of broken or unsatisfactory pens covers only the cost of handling, postage and insurance;

(6) Representing that said fountain pens hold 200% more ink than any ordinary fountain pen on the market;

(7) Representing, through the use of the symbol "14K", or any other symbol, or any figures, letters or words of similar import and meaning, or otherwise,

that the point or nib of said pen is composed of 14-carat gold or gold of the fineness indicated by the symbol, figures, letters or words used, when such is not the fact;

(8) Representing that certificates cut from newspaper advertisements of said pens and pencils are worth \$4.41 or any other sum in connection with the purchase of such products.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3155; Filed, July 31, 1940;
11:05 a. m.]

[Docket No. 4163]

IN THE MATTER OF R. E. ENGINEERS

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.96 (a) (6) *Using misleading name—Goods—Qualities or properties.* Representing, in connection with offer, etc., in commerce, of respondent's "Add-A-Tube" or other similar device or devices for same or similar purposes, that said device, when attached to a radio receiving set, adds to such set an extra tube or gives to it the effect of an additional tube, or adds life to the tubes therein, or improves reception or renders the radio receiving set more efficient in receiving broadcasts from domestic or foreign stations, or brings the radio receiving set up to date and gives to such set additional sharpness, tone and selectivity, or gives a radio receiving set automatic volume control or renders long distance reception free from static, distortion or interference; or using, in said connection, the term "Add-A-Tube", or any other term, phrase or designation of similar import or meaning, to designate or describe said electrical or mechanical device, which device, when added or attached to a radio receiving set, does not perform the functions of an additional tube in such set; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, R. E. Engineers, Docket 4163, July 24, 1940]

IN THE MATTER OF THE PERFECT MANUFACTURING COMPANY, A CORPORATION, TRADING AS R. E. ENGINEERS

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The Perfect Manufacturing Company, a corporation, trading as R. E. Engineers, or trading under any other name or names, its agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a device now designated by it by the name, "Add-A-Tube", or any other similar device or devices to be used for the same or similar purposes, whether sold under the same name or under any other name or names, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that said device, when attached to a radio receiving set, adds to such set an extra tube or gives to it the effect of an additional tube; or that such device adds life to the tubes therein; or that it improves reception or renders the radio receiving set more efficient in receiving broadcasts from domestic or foreign stations; or that it brings the radio receiving set up to date and gives to such set additional sharpness, tone and selectivity; or that it gives a radio receiving set automatic volume control or renders long distance reception free from static, distortion or interference;

(2) Using the term "Add-A-Tube," or any other term, phrase or designation of similar import or meaning, to designate or describe said electrical or mechanical device, which device, when added or attached to a radio receiving set, does not perform the functions of an additional tube in such set.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3156; Filed, July 31, 1940;
11:05 a. m.]

[Docket No. 3654]

IN THE MATTER OF SILVER SERVICE CORPORATION ET AL.

§ 3.69 (a) (10.5) *Misrepresenting oneself and goods—Business status, advantages or connections—Operations as*

special or other advertising: § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Representing, in connection with offer, etc., in commerce, of any sales promotion plan or of any merchandise to be resold through use of such plan furnished by respondents, that the respondents are conducting any special campaign or advertising campaign to introduce or advertise silverware or other merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Service Corporation et al., Docket 3654, July 16, 1940]

§ 3.6 (s) *Advertising falsely or misleadingly—Promotional sales plans:* § 3.6 (s10) *Advertising falsely or misleadingly—Puzzle prize contests:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.95 (m) *Using contest schemes unfairly—Puzzle prize contests.* Representing, in connection with offer, etc., in commerce, of any sales promotion plan or of any merchandise to be resold through use of such plan furnished by respondents, or causing or assisting the purchasers of said plan to represent, that any sales promotion plan in which credit vouchers, checks, gifts, or any form of so-called prizes, are given to the entrants or contestants therein without regard to the relative correctness of the answers or solutions submitted by said entrants or contestants, is a contest, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Service Corporation et al., Docket 3654, July 16, 1940]

§ 3.6 (r) (1.5) *Advertising falsely or misleadingly—Prices—Coupon, certificate, check, credit voucher, etc., values:* § 3.6 (s) *Advertising falsely or misleadingly—Promotional sales plans:* § 3.6 (s10) *Advertising falsely or misleadingly—Puzzle prize contests:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.72 (b) *Offering deceptive inducements to purchase—Coupon, certificate, check, credit voucher, etc., deductions in price:* § 3.95 (m) *Using contest schemes unfairly—Puzzle prize contests.* Representing, in connection with offer, etc., in commerce, of any sales promotion plan or of any merchandise to be resold through use of such plan furnished by respondents, or causing or assisting the purchasers of said plan to represent, that credit vouchers or checks, or any other form of prizes or gifts awarded in connection with such sales promotion plan, enable the recipients thereof to receive a "credit", "reduction" or other financial advantage in the purchase of merchandise when the recipients thereof do not in fact receive a credit, reduction, or other financial advantage based upon the usual and customary retail price of such merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and

desist order, Silver Service Corporation et al., Docket 3654, July 16, 1940]

§ 3.6 (r) (2.5) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (s) *Advertising falsely or misleadingly—Promotional sales plans:* § 3.6 (s10) *Advertising falsely or misleadingly—Puzzle prize contests:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.95 (m) *Using contest schemes unfairly—Puzzle prize contests.* Representing, in connection with offer, etc., in commerce, of any sales promotion plan or of any merchandise to be resold through use of such plan furnished by respondents, or causing or assisting the purchasers of said plan to represent, as the customary or regular prices or values of merchandise offered for sale in connection with the said sales promotion plan, prices or values which are in fact fictitious and in excess of the prices at which such merchandise is regularly and customarily offered for sale, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Service Corporation et al., Docket 3654, July 16, 1940]

IN THE MATTER OF SILVER SERVICE CORPORATION, A CORPORATION, AND EDWIN I. GORDON, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of July, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence taken before Robert S. Hall and Edward E. Reardon, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint, and brief filed by James L. Fort, counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Silver Service Corporation, a corporation, and its officers, and Edwin I. Gordon, an individual, their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any sales promotion plan or of any merchandise which is to be resold through use of a sales promotion plan furnished by respondents, do forthwith cease and desist from:

(1) Representing that the respondents are conducting any special campaign or

advertising campaign to introduce or advertise silverware or other merchandise;

(2) Representing, or causing or assisting the purchasers of said plan to represent, that any sales promotion plan in which credit vouchers, checks, gifts, or any form of so-called prizes, are given to the entrants or contestants therein without regard to the relative correctness of the answers or solutions submitted by said entrants or contestants, is a contest;

(3) Representing, or causing or assisting the purchasers of said plan to represent, that credit vouchers or checks, or any other form of prizes or gifts awarded in connection with such sales promotion plan, enable the recipients thereof to receive a "credit," "reduction" or other financial advantage in the purchase of merchandise when the recipients thereof do not in fact receive a credit, reduction, or other financial advantage based upon the usual and customary retail price of such merchandise;

(4) Representing, or causing or assisting the purchasers of said plan to represent, as the customary or regular prices or values of merchandise offered for sale in connection with the said sales promotion plan, prices or values which are in fact fictitious and in excess of the prices at which such merchandise is regularly and customarily offered for sale.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3164; Filed, July 31, 1940; 11:51 a. m.]

[Docket No. 3779]

IN THE MATTER OF HY-TEST CEMENT COMPANY

§ 3.79 *Publishing, improperly, confidential or restricted governmental matter.* Divulging, in any manner, in connection with offer, etc., in interstate commerce or in the District of Columbia, of Hy-Test Masonry Cement or other cement, or any other product, or assisting the purchasing public, in said connection, in determining, by any means, the identity of the manufacturer or the brand name of any cement which was tested by the Bureau of Standards of the United States Department of Commerce, the results of which tests were published by the Bureau of Standards of the United States Department of Commerce in "Research Paper 683, A Study of the Properties of Mortars and Brick and Their Relation to Bond," prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hy-Test Cement Company, Docket 3779, July 16, 1940]

§ 3.6 (j) (3) *Advertising falsely or misleadingly—Government approval.*

connections or standards—Government indorsement: § 3.18 *Claiming indorsements or testimonials falsely:* § 3.28 *Commercializing, improperly, confidential or restricted governmental matter.* Using, in whole or in part, in connection with offer, etc., in interstate commerce or in the District of Columbia, of Hy-Test Masonry Cement or other cement, or any other product, for advertising, publicity or sales promotion purposes, any report by any bureau, department or other agency of the United States Government, or by any official or employee thereof, where such use of said report is violative of any rule, regulation or instruction issued by said bureau, department or other agency, or where such use imports or implies, directly or inferentially, that said bureau, department or other agency has approved or recommended the use of respondent's products, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hy-Test Cement Company, Docket 3779, July 16, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of July, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Randolph Preston, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral argument by Curtis C. Shears, counsel for the Commission, and by Percy H. Russell, Jr. (with Edward K. Wheeler on the brief) of Kirkland, Fleming, Green, Martin & Ellis of Washington, D. C., counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Hy-Test Cement Company, a corporation, its officers, representatives, agents and employees, directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale and distribution of Hy-Test Masonry Cement or any other cement, or any other product, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Divulging, in any manner, or assisting the purchasing public in determining, by any means, the identity of the manufacturer or the brand name of any cement which was tested by the Bureau of Standards of the United States Department of Commerce; the results of which tests were published by the Bureau of Standards of the United States

¹ 4 F.R. 2015.

¹ 4 F.R. 2504.

Department of Commerce in "Research Paper 683, A Study of the Properties of Mortars and Brick and Their Relation to Bond";

(2) Using, in whole or in part, for advertising, publicity or sales promotion purposes, any report by any bureau, department or other agency of the United States Government, or by any official or employee thereof, where such use of said report is violative of any rule, regulation or instruction issued by said bureau, department or other agency, or where such use imports or implies, directly or inferentially, that said bureau, department or other agency has approved or recommended the use of respondent's products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3165; Filed, July 31, 1940;
11:51 a. m.]

[Docket No. 3941]

IN THE MATTER OF MAPLE LAWN
POULTRY FARM, ETC.

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Breeder and hatcher.* Representing, in connection with offer, etc., in commerce, of baby chicks, that the flocks of poultry supplying the eggs from which respondent's baby chicks are produced are owned, controlled, or supervised by respondent, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Maple Lawn Poultry Farm, etc., Docket 3941, July 16, 1940]

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce, of baby chicks, that eggs obtained from flocks which have not been blood-tested and found free from disease or which have not been culled are from blood-tested and culled flocks or are free from disease, or that the chicks hatched from eggs obtained from flocks which have not been blood-tested and found free from disease or which have not been culled are from blood-tested and culled flocks or are free from disease, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Maple Lawn Poultry Farm, etc., Docket 3941, July 16, 1940]

IN THE MATTER OF ROY T. EHRENZELLER,
TRADING AS MAPLE LAWN POULTRY FARM
AND MAPLE LAWN HATCHERY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of July, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence introduced before W. W. Sheppard, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Roy T. Ehrenzeller, individually and trading as Maple Lawn Poultry Farm and as Maple Lawn Hatchery, or trading under any other name, or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of baby chicks in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the flocks of poultry supplying the eggs from which respondent's baby chicks are produced are owned, controlled, or supervised by respondent;

(2) Representing that eggs obtained from flocks which have not been blood-tested and found free from disease or which have not been culled are from blood-tested and culled flocks or are free from disease;

(3) Representing that the chicks hatched from eggs obtained from flocks which have not been blood-tested and found free from disease or which have not been culled are from blood-tested and culled flocks or are free from disease.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3166; Filed, July 31, 1940;
11:51 a. m.]

¹ 5 F.R. 1471.

TITLE 20—EMPLOYEES' BENEFITS
CHAPTER II—RAILROAD RETIREMENT BOARD

AMENDMENT TO REGULATIONS UNDER THE
RAILROAD RETIREMENT ACT OF 1937¹

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) § 201.01 (j) of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective June 1, 1938, by Board Order 40-367 dated July 9, 1940, to read as follows:

(j) *Person.*—The term "person" includes an individual, trust, estate, partnership, association, joint stock company, company, corporation, and institution.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

Dated July 30, 1940.

[F. R. Doc. 40-3153; Filed, July 31, 1940;
10:52 a. m.]

REGULATIONS UNDER THE RAILROAD
UNEMPLOYMENT INSURANCE ACT

AMENDMENTS AND ADDITIONS

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362), as amended by the Act of June 20, 1939 (53 Stat. 845; Public No. 141, 76th Congress, First Session), paragraph (a) of § 310.61² of the Regulations of the Railroad Retirement Board under such Act is amended by Board Order 40-363 dated July 9, 1940: Part 300 is amended by Board Orders 40-368 dated July 9, 1940 and 40-385 dated July 23, 1940 respectively; and Part 301 is adopted by Board Order 40-368 dated July 9, 1940, as follows:

Paragraph (a) of § 310.61 is amended by Board Order 40-368 dated July 9, 1940, by changing the period at the end thereof to a comma and adding:

"and the compensation (if any) earned during the base year in the position in which such services are performed is not necessary to qualify the employee for benefits."

Part 300—Definitions, is amended by Board Orders 40-368 dated July 9, 1940, and 40-385 dated July 23, 1940, as follows:

§ 300.01 *Words and phrases.* For the purposes of these regulations, except where the language or context indicates otherwise:

(a) *Act.* The term "Act" means the Railroad Unemployment Insurance Act.

(b) *Employer.* The term "employer" means an employer as defined in the Act and Part 301 of these regulations.

¹ 4 F.R. 1477.

² 5 F.R. 2111.

(c) *Board.* The term "Board" means the Railroad Retirement Board.

(d) *Person.* The term "person" includes an individual, trust, estate, partnership, association, joint stock company, company, corporation, and institution.

(e) *United States.* The term "United States", when used in a geographical sense, means the States, Alaska, Hawaii, and the District of Columbia.

(f) *State.* The term "state" means any of the States, Alaska, Hawaii, or the District of Columbia.

(g) *Employment.* The term "Employment" means service performed as an employee.

(h) *Local lodges and divisions—Local lodge or division.* The term "local lodges and divisions" and the term "local lodge or division" as used in section 1 (a) and 1 (d), respectively, of the Act, shall be construed to include any subordinate unit of a national railway labor organization defined as an "employer" under the Act, which unit functions in the same manner as, or similar to "local lodges" as that term is ordinarily used, irrespective of the designation of such unit by its national organization. (Secs. 1, 12, 52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 351, 362)

Part 301—Employers Under the Act, is adopted by Board Order 40-368 dated July 9, 1940, as follows:

§ 301.01 *Statutory provisions.* (a) The term "employer" means any carrier (as defined in subsection (b) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus,

weighing and inspection bureaus, collection agencies, and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. (Sec. 1 (a), 52 Stat. 1094; 45 U.S.C. Sup. IV, 351)

(b) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act. (Sec. 1 (b), 52 Stat. 1094; 45 U.S.C. Sup. IV, 351)

§ 301.04 *Who are employers.* The provisions of § 201.01 (k) and the provisions of §§ 202.02 through 202.15 of the regulations under the Railroad Retirement Act of 1937 shall be applicable to the determination of who are employers under the Railroad Unemployment Insurance Act to the same extent and in the same manner as they are applicable to the determination of who are employers under the Railroad Retirement Act of 1937.

By authority of the Board.

[SEAL]

JOHN C. DAVIDSON,
Secretary.

Dated July 30, 1940

[F. R. Doc. 40-3154; Filed, July 31, 1940;
10:53 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 43]

SUBCHAPTER M—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

CLASS B BULKHEAD CONSTRUCTION REGULATIONS AMENDED

Paragraph (c) of subsection (2) of § 144.4, *Structural strength, fire control, materials of construction, of Part 144—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery* is amended to read as follows:

(c) Class B bulkheads shall, while subjected to a standard fire test reaching 1550° F., at the end of one-half hour be capable of withstanding the passage of

flame and the average temperature on its unexposed side, shall not rise more than 250° F. or more than 325° F. at any point at the end of the first 15 minutes during such one-half hour period. Such bulkheads shall be constructed of incombustible materials and shall generally form the boundaries of:

(aa) Staterooms, storerooms, and similar enclosures.

(Sec. 5, Act of May 27, 1936; 46 U.S.C. Sup. 369 (a)).

[SEAL]

R. S. FIELD,
Director.

Approved, July 30, 1940.

ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 40-3149; Filed, July 30, 1940;
1:41 p. m.]

Notices

WAR DEPARTMENT.

TEMPORARY RESTRICTED AREA BETWEEN PORTSMOUTH HARBOR, N. H., AND THE ISLE OF SHOALS

Pursuant to the provisions of section 7 of the River and Harbor Act approved August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), an area in the Atlantic Ocean lying off Portsmouth Harbor, New Hampshire is hereby defined and established as a temporary restricted navigation area, for a period of two months from July 8, 1940, to September 8, 1940, inclusive, and the following regulations relating thereto are hereby adopted.

THE AREA

The area within a thousand yard radius of a point in the State of New Hampshire lying westerly from Isle of Shoals, bearing 273° true from White Island Light, distance 6,600 yards, is restricted to all navigation for a period of two (2) months from July 8, 1940, to September 8, 1940, inclusive, for the performance of certain tests involving the use of naval ordnance.

THE REGULATIONS

1. A notice giving a description of the area and warning the public to avoid entering it during the progress of experiments shall be published by the Hydrographic Office in each issue of the Notice to Mariners, the weekly Hydrographic Bulletin, the Daily Memorandum, and Radio Broadcasts, during the two (2) months period from July 8, 1940, to September 8, 1940, inclusive.

2. The presence, in the vicinity, of a vessel of the United States Navy bearing a red pennant as a danger signal, shall be deemed to be sufficient evidence that the tests are in progress and notice to all persons to avoid the area.

3. It shall be the duty of the United States Navy Department to maintain in the vicinity during the actual progress of the tests a suitable vessel bearing a red

pennant as a danger signal and to warn away all intruders for the purpose of avoiding injury to persons or property.

4. For the purpose of enforcing the vacating of the above described area by any person or persons at such times within the above two (2) months period, during which tests are actually in progress the penalties specified in Section 7 of the above-mentioned River and Harbor Act of August 8, 1917, shall be applicable against any person or corporation which shall refuse after due warning to vacate the area. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs., July 15, 1940 (E.D. 7195 (Portsmouth Harbor, N. H.) 5/2)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3152; Filed, July 31, 1940;
9:26 a. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 188,
WYOMING No. 31, MODIFIED

JULY 18, 1940.

It appearing that Stock Driveway Withdrawal No. 188, Wyoming No. 31, should be modified by adding certain lands thereto and by releasing certain lands therefrom, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that the following-described public lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

Sixth Principal Meridian

T. 33 N., R. 84 W., W $\frac{1}{2}$ sec. 1;
T. 34 N., R. 84 W., E $\frac{1}{2}$ sec. 35;
aggregating 640.75 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

And departmental order of withdrawal of January 30, 1928, for stock driveway purposes is hereby revoked so far as it affects the following-described lands:

T. 33 N., R. 83 W., NW $\frac{1}{4}$ sec. 6;
T. 34 N., R. 83 W., SW $\frac{1}{4}$ sec. 30, W $\frac{1}{2}$ sec. 31;
T. 33 N., R. 84 W., N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 1;
T. 34 N., R. 84 W., S $\frac{1}{2}$ sec. 25;
aggregating 1,168.81 acres.

W. C. MENDENHALL,
Acting Assistant Secretary
of the Interior.

[F. R. Doc. 40-3150; Filed, July 31, 1940;
9:26 a. m.]

STOCK DRIVEWAY WITHDRAWAL No. 189,
WYOMING No. 32, REDUCED

JULY 22, 1940.

Departmental order of February 3, 1928, establishing Stock Driveway Withdrawal No. 189, Wyoming No. 32, under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked so far as it affects the following-described lands:

Sixth Principal Meridian

T. 35 N., R. 83 W., S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 3, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 27, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 28;
aggregating 640 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40-3151; Filed, July 31, 1940;
9:26 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-95]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER APPROVING PROPOSED DIVIDEND PAYMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1940.

International Utilities Corporation, a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 adopted thereunder, for approval of the declaration and payment out of capital or unearned surplus of a regular quarterly dividend at the rate of 87 $\frac{1}{2}$ ¢ per share on the \$3.50 Prior Preferred Stock;

A hearing on such application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its memorandum opinion herein:

It is ordered, That the proposed dividend payment to the \$3.50 Prior Preferred Stock be approved, subject, however, to the following conditions:

(1) That the proposed dividend on the \$3.50 Prior Preferred Stock shall be charged to capital surplus, and that the amount of such dividend so charged shall be restored to capital surplus from the first available earnings after December 31, 1938, after providing for 1939 and 1940 dividends heretofore declared and paid;

(2) That International Utilities Corporation shall notify the \$3.50 Prior Preferred stockholders concurrently with the receipt of the dividend that the dividend

payment received is subject to the above condition.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3157; Filed, July 31, 1940;
11:47 a. m.]

[File No. 1-2434]

IN THE MATTER OF APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION: NATIONAL RAILWAYS OF MEXICO PRIOR LIEN 4 $\frac{1}{2}$ % 50-YEAR SINKING FUND REDEEMABLE GOLD BONDS, DUE JULY 1, 1957; NATIONAL RAILWAYS OF MEXICO GUARANTEED GENERAL MORTGAGE 4% 70-YEAR SINKING FUND REDEEMABLE GOLD BONDS, DUE OCTOBER 1, 1977; MEXICAN INTERNATIONAL RAILROAD CO. FIRST CONSOLIDATED MORTGAGE 4% BONDS, DUE SEPTEMBER 1, 1977; NATIONAL RAILROAD CO. OF MEXICO PRIOR LIEN 4 $\frac{1}{2}$ % GOLD BONDS, DUE OCTOBER 1, 1926; NATIONAL RAILROAD CO. OF MEXICO FIRST CONSOLIDATED MORTGAGE 4% GOLD BONDS, DUE OCTOBER 1, 1951; VERA CRUZ & PACIFIC RAILROAD COMPANY FIRST MORTGAGE GUARANTEED 4 $\frac{1}{2}$ % GOLD BONDS, DUE JULY 1, 1934

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of July A. D. 1940.

The New York Stock Exchange having made application to the Commission, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, for permission to strike from listing and registration the following bonds of National Railways of Mexico (Ferrocarriles Nacionales De Mexico):

Prior Lien 4 $\frac{1}{2}$ % 50-Year Sinking Fund Gold Bonds, due July 1, 1957.

Guaranteed General Mortgage 4% 70-Year Sinking Fund Redeemable Gold Bonds, due October 1, 1977.

Mexican International Railroad Co. First Consolidated Mortgage 4% Bonds, due September 1, 1977.

National Railroad Company of Mexico Prior Lien 4 $\frac{1}{2}$ % Gold Bonds, due October 1, 1926.

National Railroad Co. of Mexico First Consolidated Mortgage 4% Gold Bonds, due October 1, 1951.

Vera Cruz & Pacific Railroad Company First Mortgage Guaranteed 4 $\frac{1}{2}$ % Gold Bonds, due July 1, 1934.

A hearing having been held on said application, the trial examiner having filed an advisory report, the Commission having considered the record, and having this day filed its findings of fact and opinion therein, and having due regard for the public interest and the protection of investors;

It is ordered, That the said application be and the same hereby is granted, ef-

fective at the close of business on the 28th day of October, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3158; Filed, July 31, 1940;
11:47 a. m.]

[File No. 59-9]

IN THE MATTER OF STANDARD POWER AND
LIGHT CORPORATION, STANDARD GAS AND
ELECTRIC COMPANY AND SUBSIDIARY
COMPANIES THEREOF, RESPONDENTS

ORDER POSTPONING AND CONSOLIDATING
HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1940.

The Commission having entered an order herein extending the time for hearing to August 6, 1940; and

An application having been filed by Standard Gas and Electric Company pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (File No. 54-24), and a notice of and order for hearing having been entered therein setting the matter down for a hearing on August 8, 1940, at 10:00 o'clock in the forenoon of that day; and

It appearing to the Commission that the matters herein are related to and involve common questions of law and fact with the proceedings on the said application; that evidence offered in respect of each of the said matters may have a bearing on the other; and that substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That the hearing herein be and it hereby is postponed to August 8, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and

It is further ordered, That the hearing herein be and it is hereby consolidated with a hearing in the above-mentioned proceedings, File No. 54-24. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of the matter herein, or of the aforementioned proceedings (File No. 54-24), to order a separate hearing concerning either matter, to close the record with

respect to either matter, or to take action on either matter prior to closing the record on said other matter.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3160; Filed, July 31, 1940;
11:47 a. m.]

[File No. 54-24]

IN THE MATTER OF STANDARD GAS AND
ELECTRIC COMPANY, SAN DIEGO CONSOLI-
DATED GAS AND ELECTRIC COMPANY, CALI-
FORNIA OREGON POWER COMPANY

ORDER CONSOLIDATING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1940.

The Commission having entered a notice of and order for hearing herein setting this matter down for a hearing to be held on August 8, 1940 at 10:00 o'clock in the forenoon of that day; and

An order having been entered on this day in the matter of Standard Power and Light Corporation, Standard Gas and Electric Company and Subsidiary Companies thereof, Respondents, File No. 59-9, postponing the hearing therein to August 8, 1940 at 10:00 o'clock in the forenoon of that day; and

It appearing to the Commission that the matters herein are related to and involve common questions of law and fact with said proceedings; that evidence offered in respect of each of said matters may have a bearing on the other; and that substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That the hearing herein be and it hereby is consolidated with the hearing in the above-mentioned matter, File No. 59-9. The Commission reserves the right if at any time it may appear conducive to an orderly and economic disposition of this matter, or of the aforementioned matter (File No. 59-9), to order a separate hearing concerning either matter, to close the record with respect to either matter, or to take action on either matter prior to closing the record on said other matter.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3159; Filed, July 31, 1940;
11:47 a. m.]

[File No. 70-92]

IN THE MATTER OF COMMUNITY NATURAL
GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on August 17, 1940, at 9:45 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 12, 1940.

The matter concerned herewith is in regard to the proposed acquisition by Community Natural Gas Company of the natural gas distribution system owned and operated by the Gainesville Gas Company in and about the city of Gainesville, Texas, for a cash consideration of \$124,500.

Applicant has designated Sections 9 and 10 as applicable to the above transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3161; Filed, July 31, 1940;
11:48 a. m.]